

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION**

OLLIE LEE EVANS **PLAINTIFF**

CIVIL ACTION NO. 2:11cv87-MTP

SARAH JAMES **DEFENDANT**

ORDER

THIS MATTER is before the court on the Motion for Speedy Trial [44] filed by Plaintiff.

Having considered the motion, the court finds that it should be denied.

This is the second motion where Plaintiff has demanded a speedy trial. *See* Motion [34].

In its previous Order [35] denying the motion as premature, the court noted that the Defendant's Motion for Summary Judgment [29] is currently pending. The court stated that in the event all of the Plaintiff's claims are not disposed of by dispositive motion, the court will set this matter for trial.¹

In the instant motion for speedy trial, Plaintiff cites to Miss. Code Ann. § 99-17-1, which provides: "Unless good cause be shown, and a continuance duly granted by the court, all offenses for which indictments are presented to the court shall be tried no later than two hundred seventy (270) days after the accused has been arraigned." It is evident from the language of this statute that it applies to criminal defendants. The current action filed by Plaintiff is a civil action. Thus, this statute does not apply. Accordingly,

IT IS, THEREFORE, ORDERED:

1. Plaintiff's Motion for Speedy Trial [44] is denied.
2. That it is the Plaintiff's responsibility to prosecute this case. Failure to advise this

¹Plaintiff has appealed this Order [35]. *See* Notice of Appeal [36].

court of a change of address or failure to comply with any order of this court will be deemed as a purposeful delay and contumacious act by the Plaintiff and may result in the dismissal of this case.

SO ORDERED this 25th day of April, 2012.

s/ Michael T. Parker

United States Magistrate Judge